

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEY E. STATEN,

Petitioner,

v

Case No. 07-13835

GARY J. CAPELLO,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

_____/

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #12] filed November 10, 2008. The Magistrate Judge recommends that this Court deny petitioner's application for the writ of habeas corpus. No objections were filed.

Having reviewed the file, the Report and Recommendation and the objections the Court **ADOPTS** the Report and Recommendation as the findings and conclusions of the Court. Accordingly, petitioner's application for the writ of habeas corpus is **DENIED**.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: November 26, 2008

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on November 26, 2008, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary